

Attorney Docket Number 0 98393 US

Remarks

In the Office Action of May 19, 2003 the Examiner asked that Applicants cite PCT/EP95/05050 in the first paragraph on page 1 of the specification pursuant to 35 U.S.C. 371. Applicants request that it be clarified whether a PCT application submitted to the European receiving office should be cited in the first paragraph similar to a United States priority application.

The Examiner has objected that the claimed invention is directed to non-statutory subject matter, alleging that the pending claims read upon the full length protein.

It is respectfully submitted that the claimed peptide was directed to one of 9-55 amino acids. However, in order to advance the prosecution of this application Applicants have amended the language of claim 1 to recite "an isolated peptide of 9-55 amino acids" comprising the specified amino acid sequence. It is believed that reciting a 9-55 amino acid peptide does not read on a product of nature.

Claims 9 and 10 stand rejected under 35 U.S.C. 112, first paragraph, for lack of enablement regarding the route of administration. Applicants traverse this rejection as the conventional routes of administration are well known to the ordinary practitioner. However, in order to advance the prosecution of this application, Applicants have cancelled claims 9 and 10 without prejudice to pursuing patent protection for those claims in a continuation application.